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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

MOOG, INC.,
Plaintiff,
v.
SKYRYSE, INC., et al,
Defendants.

No. 2:22-cv-09094-GW-MAR

**JOINDER OF DEFENDANTS ROBERT
ALIN PILKINGTON AND MISOOK
KIM IN DEFENDANT AND
COUNTERCLAIMANT SKYRYSE
INC.'S MOTION TO DISMISS MOOG
INC.'S AMENDED COMPLAINT**

Hearing Date: October 5, 2023
Hearing Time: 8:30 a.m.
Location: Courtroom 9D

MEMORANDUM OF POINTS AND AUTHORITIES

Individual Defendants Robert Alin Pilkington and Misook Kim (collectively “Individual Defendants”) hereby join in part Defendant and Counterclaimant Skyrise, Inc.’s (“Skyrise”) Motion to Dismiss the Amended Complaint of Plaintiff, Moog Inc. (“Moog”) (Dkt No. 602). Individual Defendants hereby incorporate into their Joinder, by this reference, Skyrise’s Notice of Motion, Memorandum of Points and Authorities, the complete files and records in this action, and all argument and evidence presented at the time of hearing. Individual Defendants reserve the right to present additional evidence and argument in support of this joinder, whether in reply briefing or during oral argument, as appropriate.

Individual Defendants join in Skyrise’s arguments in support of dismissing the following counts from Moog’s Amended Complaint (Dkt. No. 579): Conversion (Count II), Conspiracy (Count V), Unjust Enrichment (Count X), and Constructive Trust (Count XI). For the reasons set forth in Skyrise’s Memorandum of Points and Authorities, Moog has failed to state a claim upon which relief may be granted pursuant to Federal Rule of Criminal Procedure 12(b)(6) as to these counts.

Accordingly, Individual Defendants respectfully request that the Court dismiss with prejudice Counts II, V, X, and XI of Moog’s Amended Complaint as to the Individual Defendants.¹

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¹ Pursuant to Rules 12 and 15 of the Federal Rules of Civil Procedure, Individual Defendants intend to answer Moog’s amended complaint after the Court enters a ruling on the pending motion to dismiss and has so advised Moog, without objection.

1 DATED: August 11, 2023

ZWEIBACK, Fiset & ZALDUENDO LLP

2 By: /s/ Scott D. Tenley

3 SCOTT D. TENLEY

4 Attorneys for Defendant

5 ROBERT ALIN PILKINGTON

6 DATED: August 11, 2023

HALPERN MAY YBARRA & GELBERG LLP

7 By: /s/ Grant B. Gelberg

8 GRANT B. GELBERG

9 Attorneys for Defendant

10 MISOOK KIM

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record of defendant Robert Alin Pilkington, certifies that this brief contains 242 words, which:

☒ complies with the word limit of L.R. 11-6.1.

☐ complies with the word limit set by Court order dated _____.

DATED: August 11, 2023

ZWEIBACK, Fiset & Zalduendo LLP

By: /s/ Scott D. Tenley

SCOTT D. TENLEY

Attorneys for Defendant
ROBERT ALIN PILKINGTON

ATTESTATION

Pursuant to Civil Local Rule 5-4.3.4, I, Scott D. Tenley, attest that concurrence in the filing of this document has been obtained by all its signatories.

DATED: August 11, 2023

ZWEIBACK, Fiset & Zalduendo LLP

By: /s/ Scott D. Tenley

SCOTT D. TENLEY

Attorneys for Defendant
ROBERT ALIN PILKINGTON